



Virginia  
Regulatory  
Town Hall

## Final Regulation Agency Background Document

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| <b>Agency Name:</b>        | Virginia Department of Social Services              |
| <b>VAC Chapter Number:</b> | 22 VAC 40-230-10                                    |
| <b>Regulation Title:</b>   | Agency Placement Adoptions - Pre-placement Services |
| <b>Action Title:</b>       | Repeal  |
| <b>Date:</b>               | February 21, 2001                                   |

Please refer to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99) , and the *Virginia Register Form, Style and Procedure Manual* for more information and other materials required to be submitted in the final regulatory action package.

### Summary

*Please provide a brief summary of the new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment; instead give a summary of the regulatory action. If applicable, generally describe the existing regulation. Do not restate the regulation or the purpose and intent of the regulation in the summary. Rather, alert the reader to all substantive matters or changes contained in the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. Please briefly and generally summarize any substantive changes made since the proposed action was published.*

This regulation requires development of an adoption placement plan to ensure that adoptions for children in foster care are facilitated in a timely manner.

**Changes Made Since the Proposed Stage**

*Please detail any changes, other than strictly editorial changes, made to the text of the proposed regulation since its publication. Please provide citations of the sections of the proposed regulation that have been altered since the proposed stage and a statement of the purpose of each change.*

None

**Statement of Final Agency Action**

*Please provide a statement of the final action taken by the agency: including the date the action was taken, the name of the agency taking the action, and the title of the regulation.*

The State Board of Social Services approved repeal of the existing regulation on April 18, 2001.

**Basis**

*Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority, shall be provided. If the final text differs from that of the proposed, please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the final regulation and that it comports with applicable state and/or federal law*

Sections 63.1-25 and 63.1-56, of the Code of Virginia, grant authority to the State Board of Social Services to promulgate regulations for the provision of foster care services that shall be directed toward the prevention of unnecessary foster care placements and toward the permanent planning for children in the custody of or placed by local boards of social services. Rulemaking under these two sections of the Code is permissible, rather than mandatory.

**Purpose**

*Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the final regulatory action and detail the specific reasons it is essential to protect the health, safety or welfare of citizens. A statement of a general nature is not acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.*

The Department is seeking to repeal this regulation. The requirement for development of an adoptive placement plan will be incorporated into foster care policies and procedures to be implemented at the point in time that adoption is selected as the goal for the child.

**Substance**

*Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement of the regulatory action's detail.*

This regulation requires development of a foster care service plan that identifies the specific services that will be provided to achieve the goal of adoption for the child.

**Issues**

*Please provide a statement identifying the issues associated with the final regulatory action. The term "issues" means: 1) the advantages and disadvantages to the public of implementing the new provisions; 2) the advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please include a sentence to that effect.*

State law passed in 1998, requires submission to the court of an Adoption Progress Report six months following termination of parental rights and every six months thereafter until finalization of the adoption. Since this requirement is in state law, a regulation is not needed.

**Public Comment**

*Please summarize all public comment received during the public comment period and provide the agency response. If no public comment was received, please include a statement indicating that fact.*

No public comments were received during the comment period

**Detail of Changes**

*Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or crosswalk - of changes implemented by the proposed regulatory action. Include citations to the specific sections of an existing regulation being amended and explain the consequences of the changes.*

N/A

### Family Impact Statement

*Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

The repeal of this regulation will not have an impact on families. The responsibility for developing an Adoptive Placement Plan has been transferred to the foster care section and replaced by a filing of an Adoption Progress Report to the juvenile court within six months of a termination of parental rights and every six months thereafter. Thus, the impact of this proposed policy revision is that children will be more closely monitored by the court to ensure that progress is being made to find adoptive homes for children in foster care who cannot return to their birth families.